

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BLESS BUTLER,

Plaintiff,

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE
DETECTIVE MATTHEW REGINA, SGT. CORNEL
BUCKLEY and DETECTIVE DAVID LUPPINO,

Defendants.
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**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

09-CV-2559 (ILG)(VVP)

WHEREAS, plaintiff commenced this action by filing a complaint on or about June 15, 2009, alleging that the defendants violated plaintiff's federal civil and state common law rights; and

WHEREAS, plaintiff filed an amended complaint on or about March 29, 2010; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff Bless Butler Fifteen Thousand (\$15,000.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees

to dismissal of all the claims against defendants and to release the defendants and any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses, and attorneys' fees.

3. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written

agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
April 20, 2010

Duane Felton, Esq.
Attorney for Plaintiff
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By:

Duane Felton (DF3777)
Duane Felton, Esq.
Attorney for Plaintiff

By:

Elizabeth M. Daitz
Elizabeth M. Daitz
Senior Counsel

SO ORDERED:

HON. I. LEO GLASSER
HON. I. LEO GLASSER
UNITED STATES DISTRICT JUDGE

5/7/10



MICHAEL A. CARDOZO
Corporation Counsel

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May 6, 2010

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 11 2010 ★
BROOKLYN OFFICE

VIA ECF

Honorable I. Leo Glasser
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Bless Butler v. City of New York, et al., 09-CV-2559 (LG)(VVP)

Your Honor:

I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced matter. I write to inform the Court that the parties have reached an agreement to settle this matter for Fifteen Thousand (\$15,000) Dollars, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. Enclosed herein, please find a fully executed Stipulation of Settlement and Order of Dismissal for Your Honor's endorsement and filing with the Clerk of the Court.

In light of this settlement, the parties respectfully request an adjournment of all deadlines set forth in the March 29, 2010 Scheduling Order issued by Magistrate Judge Viktor V. Pohorelsky.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Elizabeth M. Daitz
Senior Counsel

cc: Duane Felton, Esq. (via ECF)